

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

DANIEL EMERSON NORTON,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:21-CV-88
(GROH)**

**F. J. BOWERS,
PATRICIA CORBIN,
CHRISTOPHER MEYER,
MS. EDGELL,
MR. D. JONES, and
MS. HOFFMAN,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 64. Pursuant to this Court’s Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. LR Civ P 72.01. Judge Trumble issued the R&R on August 19, 2022, recommending that the Plaintiff’s Complaint [ECF No. 1] be dismissed without prejudice for failure to exhaust administrative remedies.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a de novo review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and of


a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Plaintiff being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Plaintiff accepted service of the R&R on September 20, 2022. ECF No. 66. As of the date of this Order, no objections have been filed. Therefore, after allowing additional time for transit in the mail, the Court finds that the deadline to submit objections to the R&R has passed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 64] should be, and is hereby, **ORDERED ADOPTED**. For the reasons more fully stated in the R&R, this Court **ORDERS** that the Plaintiff's Complaint [ECF No. 1] be **DISMISSED WITHOUT PREJUDICE** due to the Plaintiff's failure to exhaust his administrative remedies. Further, the Court **ORDERS** that the Defendants' Motion to Dismiss [ECF No. 55] be **GRANTED**.

The Clerk of Court is **DIRECTED** to **STRIKE** this case from the Court's active docket. The Clerk is **FURTHER DIRECTED** to mail a copy of this Order to the Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: December 20, 2022


GINA M. GROH
UNITED STATES DISTRICT JUDGE